

REMARKS

Reconsideration and allowance of the claims are respectfully requested in view of the following remarks.

Applicants direct the Examiner's attention to recall the telephone interview conducted on March 9, 2005 to address the Examiner's position and clarification of the details employed for the rejection. Claim 1 was primarily addressed as well as the primary reference U.S. Patent 6,370,460 to Kaufmann et al. Applicants presented arguments that the Examiner appears to be drawing a conclusion that electric power steering was equivalent to steer by wire. Applicants suggested that this inference was inappropriate based on distinctions in the system. Applicants also suggested several possible amendments to address these distinctions. The Examiner recognized the distinctions but offered no assistance regarding a proposed amendment. The Examiner agreed to review any amendment in light of the discussions and clarifications provided.

Claim Disposition

Claims 1 – 29 are pending in the application. Claims 1 – 10, 12-22, and 24-29 have been rejected. Claim 11 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants appreciate the Examiner's indication of the allowability of Claims 11 and 23.

Claim Rejections -35 U.S.C. §102(a)

Claims 1-10, 12-22, and 24-29 stand rejected under 35 U.S.C. §102(a) as being anticipated by Kaufmann et al, U.S. Patent No. 6,370,460, hereinafter referred to as Kaufmann. Applicants respectfully traverse. The Examiner states that:

“With respect to claims 1, 4, 14, 27-29, Kaufmann et al, show in Fig. 2a steering wheel unit 14. A steering wheel torque command signal 18 is received from master control unit 12 (Fig. 1). The vehicle speed signal 28 comes from vehicle speed sensor 29, (see column 2, lines 31-67).”

“In Fig. 5 the torque control unit 46 performs several processes for generating

a steering torque command signal 18 beside the others, based on input from vehicle speed 28 and feedback torque sensor signal 36, (see column 4, lines 41-47). Kaufmann et al, teach a damping torque command signal that is sent to the compensation process 50 of the torque control unit 46. The compensation process 50 outputs the compensated torque command signal 48 to the feel process 52, which includes two sub-processes. The first sub-process is assist 53 for generating an assist torque command signal as function of vehicle speed. The assist sub-process 53 indexes the composite force signal initiated compensated torque command signal into a set of look-up tables yielding an assist torque command, as in claims 1, 2, 3, 4, 14, 15, 16 and 17, (see column 5, lines 3-25). The second sub-process employed in the feel process 52 is the return sub-process 54, that generates a return to center torque command to drive the steering wheel and the steer-by-wire system 10 to center, as in claims 13 and 26, (see column 5, lines 33-46)."

"With respect to claims 5, 7, 9, 12, 18, 20, 22 and 25, see column 4, lines 63-67, Kaufmann et al, disclose that compensation process 50 includes frequency based filtering to manipulate the spectral content of the damping torque command signal 47."

"With respect to claims 2, 3, 6, 8, 15,16,19 and 21 Kaufmann et al. teach in column 5, lines 59-65 that different processes could be employed in addition or in lieu of look-up tables including gain or parameter scheduling."

Applicants respectfully suggest that the Examiner has mischaracterized the teachings of Kaufmann. More particularly, Kaufmann does not teach or disclose each element of the claimed invention. To anticipate a claim under 35 U.S.C. §102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), cert. denied, 484 U.S. 1007 (1988). Moreover, the single source must disclose all of the claimed elements "**arranged as in the claim.**"(emphasis added) *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). Moreover, "[t]he **identical invention** must be shown **in as complete detail as is contained in the ...claim.**"(emphasis added) *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

With regard to Claims 1, 14, and 27 - 29, Applicants respectfully contend that the amendments provided herein render the Examiner's rejection moot.

Moreover, for completeness, and to facilitate further prosecution, Applicants respectfully contend that Kaufmann does not teach or disclose each element of the invention.

In particular, Kaufmann does not teach or disclose, “said controller generates a scheduled compensated torque command to said electric motor, said scheduled compensated torque command **based on a blend of said torque command signal and said compensated torque command signal**, wherein at least one of said torque command signal, said compensated torque command signal **and said blend is based on said vehicle speed signal.**” Specifically, while Kaufmann does teach a torque command signal, and applying compensation to that torque command signal, it does not teach a blend as the Applicants have claimed.

Moreover, Applicants direct the Examiners attention to note that Kaufmann includes no blend as the Applicants have claimed and further that the signal the Examiner appears to suggest is equivalent to the scheduled compensated torque command only includes a version of the torque command that is compensated. That is, in other words, there is no means for Kaufmann to formulate the scheduled compensated torque command based on the non-compensated version of the torque command as the Applicants have claimed.

Finally, Applicants respectfully submit that the Examiner appears to have significantly mischaracterized the teachings of Kaufmann. To support the rejection the Examiner relies on column 5, lines 3-25 as follows:

“The assist sub-process 53 indexes the composite force signal initiated compensated torque command signal into a set of look-up tables yielding an assist torque command, as in claims 1, 2, 3, 4, 14, 15, 16 and 17, (see column 5, lines 3-25).”

However, Applicants respectfully direct the Examiners attention to note that while Kaufmann teaches that “the assist sub-process 53 indexes **the composite force signal** initiated compensated torque command signal into a set of look-up tables yielding an assist torque command”, this does not at all anticipate the Applicants’ claims as the Examiner suggests. It should be noted that there is no “composite force signal” in the Applicants’ claims, and further, Kaufmann specifically teaches that the composite force signal is based on a measured tie rod force. There is no tie rod force employed in the Applicants claims. Thus, the Examiner’s rejection based on this suggested anticipation is in error and mischaracterizes the cited reference.

Therefore, because Kaufmann does not disclose or teach each element of the invention, it cannot anticipate the Applicants’ claims. Thus, Claims 1, 14, and 27 - 29 are allowable, the rejections are improper, and they should be withdrawn.

Moreover, with regard to Claims 2 – 10, 12, 13, 15 – 22, and 24 – 26 these claims include the above mentioned limitations and based on the arguments above are therefore, also

allowable. Thus, Claims 2 – 10, 12, 13, 15 – 22, and 24 – 26 are allowable and the rejections should be withdrawn. Additionally, Claims 2 – 10, 12, 13, 15 – 22, and 24 – 26 depend from Claims 1 and 14, respectively, whether directly or indirectly, which are allowable based upon the abovementioned reasoning, and therefore because these claims depend from claims that are allowable, they too are allowable and the rejections should be withdrawn. MPEP 2143.03.

The amendments presented herein are made for the purposes of better defining the invention, rather than to overcome the rejections for patentability. The claims were not amended to overcome the prior art and therefore, no presumption should attach that either the claims have been narrowed over those earlier presented, or that subject matter or equivalents thereof to which the Applicants are entitled has been surrendered. Support for these amendments can be found in the specification and claims as originally filed. No new matter has been introduced by these amendments. Reconsideration and allowance of the claims is respectfully requested in view of the amendments and following remarks. Moreover, the amendments as presented do not alter the scope of the claimed invention and therefore cannot necessitate a new grounds rejection.

It is believed that the foregoing remarks are fully responsive to the Office Action and that the claims herein should be allowable to the Applicants. In view of the foregoing, Applicants respectfully request the withdrawal of all rejections made by the Examiner and the allowance of all of the claims. In the event the Examiner has any queries regarding the instantly submitted Amendment, the undersigned respectfully requests the courtesy of a telephone conference to discuss any matters in need of attention.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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